

## Meeting #2 - January 2

The Madison County Planning Commission and the Madison County Board of Supervisors held a joint meeting on January 2, 2019 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair  
 Amber Foster, Vice-Chair  
 Jonathon Weakley, Member  
 Kevin McGhee, Member  
 Charlotte Hoffman, Member  
 Jack Hobbs, County Administrator  
 Sean Gregg, County Attorney  
 Betty Grayson, Zoning Administrator

Board members were present but did not participate during the Planning Commission portion of the session.

**1. Call to order.** Chairman Jackson called the Board of Supervisors portion of the meeting to order and declared that a quorum was present. All members are present for tonight's session.

Chairman Jackson advised that the Madison County Board of Supervisors will suspend its portion of tonight's public hearing when the Madison County Planning Commission reconvenes their public hearing process.

### 2. Approval of the Agenda

Supervisor Foster moved that tonight's Agenda be adopted as presented, seconded by Supervisor Weakley. **Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).**

### 3. Action Items

**48-13 and Portion of 48-13J a.** *Case No. Z-12-18-17: Request by Carlyle L. Weaver & Carlyle L. Weaver d/b/a CW Properties to amend conditional rezoning application that was approved on February 4, 2009 to Conditional Residential, R-3 with Proffer Statement Attached. This property is located off Route 29 Southbound Lane on private Madison Plaza Drive and Route 660 (Courthouse Mountain Road) near Madison and contains 8.194 acres (TM48-13 contains 3.498 acres) and (4.696 acres, portion of TM 48-13J), zoned Conditional Residential, R-3 with Proffer Statement. An email was received from Adam Moore at VDOT dated 21, 20-18 with two (2) comments.*

Supervisor Weakley: Agreed that demographics pertaining to affordable living for seniors is a viable option; understands the proposal to move forward in a way that is agreeable

with the County's comprehensive plan; understands concerns verbalized pertaining to the roadway but any concerns will be assessed during the site plan process; noted that the Board will discuss the need for additional EMS positions, new squad building, renovations to schools, etc. during the upcoming budget process; verbalized support of tonight's proposal.

Chairman Jackson opened the floor to the public.

- Chairman Jackson: Referred to a comment (by George Beach, Commission member) regarding proffers; noted that the Board of Supervisors is charged to rule on the application(s) as submitted by:
  - ✓ Approving
  - ✓ Denying or
  - ✓ Tabling (allows 90-120 days for the County to work off)

Additionally, neither the Planning Commission or Board of Supervisors is charged with placing additional proffers on an application, as this is the sole responsibility of the applicant only.

- Mitch Goldberg: Comments pertained to safety, quality of life, quietness, trees, spiritual nature and the future vision for Madison County
- Mike Cashman: Comments pertained to the number of folks present that oppose tonight's request and would like the request to be tabled
- Amy Jordan: Comments pertained to the hearts and minds of the citizens and if a compromise could be attained; also advised that Al Moore, VDOT representative, advised that all roads in the County are state roads; also questioned the process involved to request improvement of roadways in the County; feels that one entrance will not be sufficient for Rt. 660

Discussions focused on the fact that Madison Plaza Drive is a private roadway, and that there are private neighborhoods located within the County.

Chairman Jackson: Provided input on the annual Six Year Road Improvement Plan process and the various funding mechanisms that VDOT utilizes in order to cover any associated costs for County roadways.

With no further comments being brought forth, the floor for public comment was closed.

The floor was then opened to the Board of Supervisors:

- *Supervisor McGhee: Referred to proposed site plan issue and the need for the plan to be considered; also reflected on citizen concerns about the impact the proposed sixty (60) unit senior development may have on water and sewer capacity*
- Supervisor Foster: Referred to the proposed site plan issue (as previously*

noted); also referred to the real estate taxes the applicant has paid and the fees for County permits; advised that any issues with the site plan can be discussed when the plan is being considered, and concurred with the concerns regarding proffers

- Supervisor Hoffman: Advised that the roadway being discussed hasn't shown an immense amount of traffic during the times that she has traveled along it, excluding a few pedestrians; the roadway is a bit narrow in a certain spot, for which tonight's proposal will call for widening of the roadway; Rt. 660 is a state road and (in her opinion) folks shouldn't be prohibited from using the road as an entrance; although tonight's comments are understood, the County has to follow the rules and act on what's presented for consideration; any issues pertaining to the site plan will be discussed when that plan is presented to the Board; verbalized approval of tonight's proposal
- Chairman Jackson: Feels that tonight's request is a personal property rights issue; noted that compromise may be necessary when considering the site plan; noted past issues with the proposal for affordable senior housing development; understands that folks want to preserve the current quality, but the community belongs to all of us; noted that based on the County's comprehensive plan, future development will come forth and may actually increase property values in some way; encourages residents to attend the future Six Year Road Improvement Plan meetings to verbalized concerns that pertain to Courthouse Mountain Road

Supervisor Hoffman moved that the Madison County Board of Supervisors approve Case No. Z-12-18-17 as recommended by the Madison County Planning Commission, seconded by Supervisor Foster. **Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).**

The Madison County Board of Supervisors suspended their meeting in order to allow the Madison County Planning Commission to reconvene to discuss the Amendments to the County Zoning Ordinance

Chairman Jackson reconvened the meeting of the Madison County Board of Supervisors.

Chairman Jackson opened the public hearing on Ordinance ID #2019-1 [Ordinance to Amend Madison County Zoning Ordinance Article 14, General Provisions, Section 4: Standards for Issuance of Special Use Permits].

- Carlyle Weaver: Questioned why the number of days changed from seventeen (17) days per month to fifteen (15) days per year, which is a significant difference, and whether this is being done as an imposed restriction or to receive funding for additional special use permit requests.

Chairman Jackson: Advised that the proposed amendment is a 'loophole' and will allow for seventeen (17) days (56% of the time) per month in a calendar year and isn't designated as 'seasonal or brief.'

- Dennis Coppedge: Comments pertained to the need for a commercial entrance (as business locations)

With no further comments being made, the public comment portion of the public hearing was closed and opened to the Madison County Board of Supervisors

Garold Stephenson, Commission member, emphasized the need for a change in the language noted in Ordinance ID #2019-1 [from 'upright' to 'by right'].

With no comments being made by the Board, the following transpired:

Supervisor McGhee moved that the Board approve Ordinance ID #2019-1 [Ordinance to Amend Madison County Zoning Ordinance Article 14, General Provisions, Section 4: Standards for Issuance of a Special Use Permits] as corrected recommended by the Madison County Planning Commission, seconded by Supervisor Foster. **Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).** The text of the ordinance is as follows:

### **ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE ORDINANCE #2019 - 1**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

#### **Amend Article 14, General Provisions, Section 4: Standards for issuance of special use permits:**

##### **14-4 Standards for issuance of special use permits:**

Special Use Permits shall be issued by the Board of Supervisors after recommendation from the Planning Commission. Special Use Permits shall comply with terms, purpose and intent of this ordinance, in the districts in which such permits are permitted. Special Use Permits may be issued for uses that are in harmony with the purpose and intent of the Madison County Zoning Ordinance. The Commission may attach conditions to such permits. *A Special Use Permit shall not be required for any brief activity(ies) in a given Zoning District that is/are (1) consistent with the "by right" or "special use" activities permitted in that District, and (2) conducted for no more than a cumulative fifteen (15) days in any calendar year.*

The aforesaid shall be effective upon enactment.

Chairman Jackson opened the floor of the public hearing on Ordinance ID #2019-2 [Ordinance to Amend Madison County Zoning Ordinance Article 20, Definitions, Section 203A: Use, Seasonal or Brief].

With no public comments being brought forth, the floor was opened to the Madison County Board of Supervisors.

With no comments being made by the Board, the following transpired:

Supervisor Weakley moved that the Board approve Ordinance ID #2019-2 [Ordinance to Amend Madison County Zoning Ordinance Article 20, Definitions, Section 203A: Use Seasonal or Brief] as recommended by the Madison County Planning Commission, seconded by Supervisor Foster. **Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).** The text of the ordinance is as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE  
ORDINANCE #2019 - 2**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Delete Article 20, Definitions, Section 203A: Use, Seasonal or Brief, in its entirety:**

~~20-203A Use, Seasonal or Brief:~~

~~A use or activity that occurs for a brief time, or that occurs at a seasonal time, and then ceases, including, but not limited to, private auctions, land sales, yard sales, tent events and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses and activities are uses permitted by right in all zoning districts.~~

The aforesaid shall be effective upon enactment.

The Madison County Board of Supervisors suspended their meeting in order to allow the Madison County Planning Commission to reconvene to discuss the Amendments to the County Zoning Ordinance

*The Madison County Planning Commission and the Madison County Board of Supervisors recessed for five (5) minutes.*

*The Madison County Planning Commission reconvened their portion of tonight's meeting and adjourned once all action was completed.*

The Madison County Board of Supervisors reconvened their portion of tonight's meeting.

The County Attorney advised of a deletion of language "residential and/or business" in definition and also under Section 14-16.2, as recommended by the Madison County Planning Commission.

Accolades were presented to Fay Utz, Commission member for her efforts.

Chairman Jackson opened the floor of the public hearing on Ordinance ID #2019-3 [Ordinance to Amend Madison County Zoning Ordinance to Add Article 14, Section 16: Residential/Business Solar Energy Systems] and deleting the "business" portion of the definition.

With no public comments being brought forth, the floor was opened to the Madison County Board of Supervisors.

With no comments being made by the Board, the following transpired:

Supervisor McGhee moved that the Board approve Ordinance ID #2019-3 [Ordinance to Amend Madison County Zoning Ordinance to Add Article 14, Section 16: Residential/Business Solar Energy Systems] with the deletion of 'Residential and/or Business' as recommended by the Madison County Planning Commission, seconded by Supervisor Foster. **Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).** The text of the ordinance is as follows:

### **ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE ORDINANCE #2019 - 3**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

#### **Add Article 14, Section 16: Residential Solar Energy Systems**

##### 14-16.1 Purpose and intent

The purpose of this ordinance is to provide for the development, siting, and decommissioning of residential solar energy systems in the County of Madison, Virginia, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community, while promoting development of renewable energy resources. Anyone wishing to install a solar energy system may wish to consider the need for a solar easement (See 14-16.6) to ensure the system has access to direct sunlight in the future.

#### 14-16.2 Applicability

The requirements set forth in this division shall govern the use and siting of used to generate electricity or perform work which may be connected to a utility grid pursuant to the net metering law set forth in Virginia Administrative Code Section 20 VAC 5-315 or serve as an independent source of energy or serve in a hybrid system. A building and/or electrical permit must be issued before construction may begin.

#### 14-16.3 Siting Requirements

The requirements for siting and construction of a solar energy system in the County of Madison, Virginia, shall include the following:

1. Solar energy systems, as described in this ordinance, are permitted by right in all zoning districts as an accessory use, with restriction to roof-mounted systems in zones R2 and R3.
2. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be for the generation of power for resale/sale.
3. The installation and construction of a *roof-mounted energy system* shall be subject to the following development and design standards and is required in R2 and R3 zoning:
  - a. A roof or building mounted solar energy system may be mounted on a principal or accessory building.
  - b. Placement of solar panels shall not extend horizontally past the roofline or exceed 8 feet above the roof.
4. The installation and construction of a *ground-mount or pole-mount energy system* shall be subject to the following development and design standards:
  - a. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.

- b. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
  - c. Ground mounted solar energy systems shall not be located in a septic system drain field or in the reserve drain field area shown on the property plat.
- 5. All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the setbacks specified for accessory structures in the zoning district.
- 6. Solar panels are designed to absorb (not reflect) sunlight; therefore, panels are generally less reflective than other varnished or glass exterior housing. However, solar panel placement should attempt to minimize or negate any solar glare onto nearby properties or roadways.
- 7. A solar energy system shall not be used to display advertising of any type, including banners, streamers, or reflectors.
- 8. A solar-energy system shall not be constructed until a building and/or electrical permit has been obtained.

#### 14-16.4 Federal and State Requirements

- 1. The design of the solar energy system shall conform to applicable state and national solar codes and standards. A building and/or electrical permit reviewed by the Building Official shall be obtained. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), Virginia Residential Code (VARES), Virginia Construction Building Code, Virginia Statewide Fire Prevention Code, and Virginia Uniform Statewide Building Code.
- 2. The solar energy system shall comply with all local codes so as to ensure the structural integrity of the system.
- 3. Prior to operation, electrical connections must be inspected by the building official.
- 4. Any connection to the public grid must be approved by the appropriate public utility.
- 5. A solar energy system connected to a utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.

#### 14-16.5 Abandonment/Decommissioning of All Solar Energy Systems

1. If a solar energy system is abandoned or decommissioned, the owner of the system should notify the respective power company. This enables the power company to remove the solar energy system from its system.
2. If a solar system has been determined to be unsafe by the building official, the system shall be required to be repaired by the owner or other responsible party to meet federal, state, and local safety standards, or to be removed by the owner or other responsible party.
3. Solar panels contain dangerous chemicals, which, if not disposed of properly, could result in damage to the environment. Consequently, the owner should take precautions to dispose of solar panels in a safe manner.

#### 14-16.6 Definitions

**Residential Solar Energy System:** The components and subsystems required to convert solar energy into electric energy suitable for use, all the land inside the perimeter of the system. The term applies, but is not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. A residential and/or business solar energy system may be part of a hybrid energy system that uses more than one technology to produce energy (for example, a wind-solar system).

**Photovoltaic:** Refers to technology which uses a device, typically a solar panel to convert light into electricity.

**Solar Array:** A group of multiple solar panels connected together to provide a single electrical output.

**Solar Energy:** Energy from the sun that is converted into thermal or electrical energy.

**Solar Panels:** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relied on solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**Ground-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to the adjacent home or building.

**Roof-Mount System (Rooftop Mounted):** A solar energy system consisting of solar panels directly installed on the roof of a home or building. Roof-mount systems may be mounted flush with the roof or tilted toward the sun at an angle.

**Pole-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to a pole, anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

**Accessory Use:** See Definitions, Section 20-3.

**Net Meter:** A device provided and installed by the local utility, to measure the flow of electricity from the solar system for the purpose of net-metering.

**Net Metering:** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated onsite and provided to the utility grid.

**Solar Easement:** A legal arrangement entered into with adjoining property owner(s) to protect or guarantee future access to direct sun light for the purpose of generating solar energy. A solar easement is created for the purpose of protecting the dominant land's exposure to direct sunlight. Such an easement prevents the servient landowner from constructing any building or other structure which would obstruct the dominant sunlight to a solar energy system.

The aforesaid shall be effective upon enactment.

Chairman Jackson opened the floor of the public hearing on Ordinance ID #2019-4 [Ordinance to Amend Madison County Zoning Ordinance to Add Article 14, Section 17: Solar Energy Systems]

With no public comments being brought forth, the floor was opened to the Madison County Board of Supervisors.

With no comments being made by the Board:

Supervisor Foster moved that the Board adopt Ordinance ID #2019-4 [Ordinance to Amend Madison County Zoning Ordinance to Add Article 14, Section 16] as recommended by the Madison County Board of Supervisors, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).* The text of the ordinance is as follows:

#### **ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE ORDINANCE #2019 - 4**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Add Article 14, Section 17: Solar Energy Systems**

14-17.1 Purpose and intent

The purpose of this ordinance is to provide for the development, siting, and decommissioning of residential and/or business solar energy systems in the County of Madison, Virginia, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community, while promoting development of renewable energy resources. Anyone wishing to install a solar energy system may wish to consider the need for a solar easement to ensure the system has access to direct sunlight in the future.

14-17.2 Applicability

The requirements set forth in this division shall govern the use and siting of residential and/or business solar energy systems used to generate electricity or perform work which may be connected to a utility grid pursuant to the net metering law set forth in Virginia Code Section 56-594 (1950, as amended), or serve as an independent source of energy, or serve in a hybrid system. A building permit must be issued before construction may begin.

14-17.3 Siting Requirements

The requirements for siting and construction of a solar energy system in the County of Madison, Virginia, shall include the following:

9. Solar energy systems, as described in this ordinance, are permitted in A-1, B-1, and C-1 districts as an accessory use.
10. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be for the generation of power for commercial purposes.
11. The installation and construction of a *roof-mounted energy system* shall be subject to the following development and design standards:
  - a. A roof or building mounted solar energy system may be mounted on a principal or accessory building.
  - b. Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roofline or exceed 8 feet above the roof.
12. The installation and construction of a *ground-mount or pole-mount energy system* shall be subject to the following development and design standards:

- a. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
  - b. The surface area of a ground- or pole-mounted system shall be calculated as part of the overall lot coverage.
  - c. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
  - d. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be in accordance with building code.
  - e. Ground mounted solar energy systems shall not be located in a septic system drain field or in the reserve drain field area shown on the property plat.
13. All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the setbacks specified for accessory structures in the zoning district.
14. Solar panels are designed to absorb (not reflect) sunlight; therefore, panels are generally less reflective than other varnished or glass exterior housing. However, solar panel placement should attempt to minimize or negate any solar glare onto nearby properties or roadways.
15. A solar energy system shall not be used to display advertising of any type, including banners, streamers, or reflectors.
16. A solar-energy system shall not be constructed until a building/zoning permit has been approved and issued.

#### 14-17.4 Safety and Inspections

- 6. The design of the solar energy system shall conform to applicable state and national solar codes and standards. A building permit reviewed by department staff shall be obtained. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and Uniform Statewide Building Code.
- 7. The solar energy system shall comply with all local codes so as to ensure the structural integrity of the system.

8. Prior to operation, electrical connections must be inspected by the building official.
9. Any connection to the public grid must be approved by the appropriate public utility.
10. A solar energy system connected to a utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.
11. Unless otherwise specified through a contract or agreement, the property owner of record will be the responsible party for owning and maintaining of the solar energy system.

#### 14-17.5 Abandonment/Decommissioning and Removal for All Solar Energy Systems

4. If a solar energy system is abandoned or decommissioned, the owner of the system should notify the respective power company. This enables the power company to remove the solar energy system from its system.
5. If a solar system has been determined to be unsafe by the building official, the system shall be required to be repaired by the owner or other responsible party to meet federal, state, and local safety standards, or to be removed by the owner or other responsible party.
6. Solar panels contain dangerous chemicals, which, if not disposed of properly, could result in damage to the environment. Consequently, the owner should take precautions to dispose of solar panels in a safe manner.

#### 14-17.6 Definitions

**Residential and/or Business Solar Energy System:** The components and subsystems required to convert solar energy into electric energy suitable for use, all the land inside the perimeter of the system. The term applies, but is not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. A residential and/or business solar energy system may be part of a hybrid energy system that uses more than one technology to produce energy (for example, a wind-solar system).

**Photovoltaic:** Refers to technology which uses a device, typically a solar panel to convert light into electricity.

**Solar Array:** A group of multiple solar panels connected together to provide a single electrical output.

**Solar Energy:** Energy from the sun that is converted into thermal or electrical energy.

**Solar Panels:** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**Ground-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to the adjacent home or building.

**Pole-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to a pole, anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

**Roof-Mount System (Rooftop Mounted):** A solar energy system consisting of solar panels directly installed on the roof of a home or building. Roof-mount systems may be mounted flush with the roof or tilted toward the sun at an angle.

**Passive Solar:** Techniques, designs, and materials designed to take advantage of the sun's position throughout the year.

**Accessory Use:** See Definitions, Section 20-3.

**Net Meter:** On-grid solar photovoltaic systems connected to the utility grid use a net meter, typically provided and installed by the local utility, to measure the flow of electricity from the solar system for the purpose of net-metering.

**Solar Easement:** A legal arrangement entered into with adjoining property owner(s) to protect or guarantee future access to direct sun light for the purpose of generating solar energy. A solar easement is created for the purpose of protecting the dominant land's exposure to direct sunlight. Such an easement prevents the servient landowner from constructing any building or other structure which would obstruct the dominant sunlight to a solar energy system.

The aforesaid shall be effective upon enactment.

Chairman Jackson opened the floor of the public hearing on Ordinance ID #2019-5 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 3, (Conservation C-1) Section 1, Paragraph 21: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)

With no public comments being brought forth, the floor was opened to the Madison County Board of Supervisors.

Supervisor McGhee moved that the Board approve Ordinance ID #2019-5 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 3, (Conservation C-1) Section 1, Paragraph 21: Residential/Business Solar Energy Systems. (See Article 14, Section 17.) as recommended by the Madison County Planning Commission, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).* The text of the ordinance is as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE  
ORDINANCE #2019 - 5**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Amend Article 3, (Conservation C-1), Section 1, to add the following:**

Paragraph 21: Residential/Business Solar Energy Systems:

Incorporate by reference the definition of Residential/Business Solar Energy Systems set forth in Article 14, Section 17.

The aforesaid shall be effective upon enactment.

Chairman Jackson opened the floor of the public hearing on Ordinance ID #2019-6 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 8, (Business (B-1), Section 1, Paragraph 7: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)

With no public comments being brought forth, the floor was opened to the Madison County Board of Supervisors.

Supervisor Foster moved that the Board adopt Ordinance ID #2019-6 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 8, (Business (B-1), Section 1, Paragraph 7: Residential/Business Solar Energy Systems. (See Article 14, Section 17.) as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).* The text of the ordinance is as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE  
ORDINANCE #2019 - 6**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the

declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Amend Article 8, (Business B-1), Section 1, to add the following:**

Paragraph 7: Residential/Business Solar Energy Systems.

Incorporate by reference the definition of Residential/Business Solar Energy Systems set forth in Article 14, Section 17.

The aforesaid shall be effective upon enactment.

The Madison County Board of Supervisors thanked the sub-committees for all the effort they contributed toward tonight's amendments.

The County Administrator reminded the Board members and Commissioners present to return completed required Conflict of Interest Statement of Economic Interest forms to Mrs. Frye.

The County Administrator advised the members of upcoming items for discussion and action at the January 8, 2019 meeting session.

- FOIA training will also need to be coordinated with the County Attorney. Chairman Jackson referred to today's earlier discussion for the Board to meet one half hour prior to the joint meetings to discuss concerns regarding FOIA and conflict of interest items, as recommended by the County Attorney. Proposed training sessions will last about thirty (30) minutes. A meeting invitation will be developed for the Board and Planning Commission on the aforementioned matter.
- 2019 List of Appointments: Completion filling all vacant board and committee seats for the 2019 cycle after the interviews scheduled at the end of the January 8 session.

c. Public Comment.

4. Information/Correspondence (if any)
5. Closed Session (if necessary)
6. Adjournment

With no further action being required, on motion of Supervisor Foster, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting ***Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).***

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors

Adopted on: January 22, 2019

Copies: Board of Supervisors, County Attorney & Constitutional Officers

*Adopted Items:*

- i. *Ordinance ID #2019-1 [Ordinance to Amend Madison County Zoning Ordinance Article 14, General Provisions, Section 4: Standards for Issuance of Special Use Permits]*
- ii. *Ordinance ID #2019-2 [Ordinance to Amend Madison County Zoning Ordinance Article 20, Definitions, Section 203A: Use, Seasonal or Brief]*
- iii. *Ordinance ID #2019-3 [Ordinance to Amend Madison County Zoning Ordinance to Add Article 14, Section 16: Residential/Business Solar Energy Systems]*
- iv. *Ordinance ID #2019-4 [Ordinance to Amend Madison County Zoning Ordinance]*
- v. *Ordinance ID #2019-5 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 3, (Conservation C-1) Section 1, Paragraph 21: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)]*
- vi. *Ordinance ID #2019-6 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 8, (Business (B-1), Section 1, Paragraph 7: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)]*



## Agenda

### Joint Meeting

Madison County Planning Commission &

Madison County Board of Supervisors

Wednesday, January 2, 2019

County Administration Building Auditorium

414 N. Main Street, Madison, Virginia 22727

### Call to Order

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

48-13 and a

#### ***a. Case No. Z-12-18-17:***

Request by Carlyle L. Weaver & Carlyle L. Weaver d/b/a CW Portion of 48-13J Properties to amend conditional rezoning application that was approved on February 4, 2009 to Conditional Residential, R-3 with Proffer Statement attached. This property is located off Route 29 Southbound Lane on private Madison Plaza Drive and Route 660 (Courthouse Mountain Road) near Madison and contains 8.194 acres (TM 48-13 contains 3.498 acres) and (4.696 acres, portion of TM 48-13J), zoned *Conditional Residential, R-3* with Proffer Statement.

#### ***b. Public Hearing: Amendments to Madison County Zoning Ordinance***

- i. Ordinance ID #2019-1 [Ordinance to Amend Madison County Zoning Ordinance Article 14, General Provisions, Section 4: Standards for Issuance of Special Use Permits]
- ii. Ordinance ID #2019-2 [Ordinance to Amend Madison County Zoning Ordinance Article 20, Definitions, Section 203A: Use, Seasonal or Brief]
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- v. Ordinance ID #2019-5 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 3, (Conservation C-1) Section 1, Paragraph 21: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)]
- vi. Ordinance ID #2019-6 [Ordinance to Amend the Madison County Zoning Ordinance to Add Article 8, (Business (B-1), Section 1, Paragraph

7: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)

*c. Public Comment*

4. Adjournment

**Board of Supervisors**

Call to Order

1. Determine Presence of a Quorum
2. Adoption of Agenda
3. Action Items:

48-13 and a

**a. Case No. Z-12-18-17:**

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*c. Public Comment.*

4. Information/Correspondence (if any)
5. Closed Session (if necessary)
6. Adjournment